Prepared and submitted jointly by the Committees on Health and Demography; Justice and Human Rights; and Ways and Means on **FEB 27 2017**

Re: Senate Bill No. **1353**

Recommending its approval in substitution of Senate Bill No. 216

Sponsor: Senator Risa Hontiveros

**MR. PRESIDENT:**

The Committees on Health and Demography; Justice and Human Rights; and Ways and Means, to which was referred Senate Bill No. 216, introduced by Senator Hontiveros, entitled:

"AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS 'AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES' AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER PURPOSES"

have considered the same and have the honor to report back to the Senate, with the recommendation that the attached bill, Senate Bill No. **1353**, prepared by the Committees, entitled:

"AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS 'AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES' AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill No. 216, with Senator Hontiveros as author thereof.
Respectfully Submitted:

Chairpersons:

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Committee on Justice and Human Rights  
Member, Committees on Health and Demography, and Ways and Means

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President Pro-Tempore

AQUILINO "KOKO" PIMENTEL III
Senate President
AN ACT
INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES" AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 1 of Batas Pambansa Bilang 702, as amended, is hereby further amended to read as follows:

"Section 1. In emergency or serious cases, it shall be unlawful for any proprietor, president, director, manager or any other officer, and/or medical practitioner or employee of a hospital or medical clinic to request, solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for confinement or medical treatment of a patient in such hospital or medical clinic or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death, or permanent disability, OR IN THE CASE OF A PREGNANT WOMAN, PERMANENT INJURY OR LOSS OF HER UNBORN CHILD:

Provided, That by reason of inadequacy of the medical capabilities of the hospital or medical clinic, the attending physician may transfer the patient to a facility where the appropriate care can be given, after the patient or his next of kin consents to said transfer and after the receiving hospital or
medical clinic agrees to the transfer: Provided, however, That when the patient is unconscious, incapable of giving consent and/or unaccompanied, the physician can transfer the patient even without his consent: Provided, further, That such transfer shall be done only after necessary emergency treatment and support have been administered to stabilize the patient and after it has been established that such transfer entails less risks than the patient's continued confinement: Provided, furthermore, That no hospital or clinic, after being informed of the medical indications for such transfer, shall refuse to receive the patient nor demand from the patient or his next of kin any deposit or advance payment; Provided, finally, That strict compliance with the foregoing procedure on transfer shall not be construed as a refusal made punishable by this Act."

SEC. 2. Section 2 of Batas Pambansa Bilang 702, as amended, is hereby further amended to read as follows:

"Sec. 2. For purposes of this Act, the following definitions shall govern:

"(a) 'Emergency' - a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient, OR IN THE CASE OF A PREGNANT WOMAN, PERMANENT INJURY OR LOSS OF HER UNBORN CHILD.

"(b) 'Serious case' - refers to a condition of a patient characterized by gravity or danger wherein based on the objective findings of a prudent medical officer on duty for the day when left unattended to, may cause loss of life or cause permanent disability to the patient, OR IN THE CASE OF A PREGNANT WOMAN, PERMANENT INJURY OR LOSS OF HER UNBORN CHILD."
(i) 'BASIC EMERGENCY CARE' - THE RESPONSE TO A SITUATION WHERE THERE IS URGENTLY REQUIRED MEDICAL CARE AND ATTENTION, AND SHALL INCLUDE PROCEDURES REQUIRED FOR INITIAL DIAGNOSIS, USE OF EQUIPMENT AND SUPPLIES IN SUFFICIENTLY ADDRESSING THE EMERGENCY SITUATION, CONSIDERING THE WELFARE OF THE PATIENT.'

SEC. 3. Section 4 of Batas Pambansa Bilang 702, as amended, is hereby further amended to read as follows:

"Sec. 4. Any official, medical practitioner or employee of the hospital or medical clinic who violates the provisions of this Act shall, upon conviction by final judgment, be punished by imprisonment of not less than six (6) months and one (1) day but not more than two (2) years and four (4) months, or a fine of not less than Twenty thousand pesos (P20,000.00), but not more than One hundred thousand pesos (P100,000.00) or both, at the discretion of the court: Provided, however, That if such violation was committed pursuant to an established policy of the hospital or clinic or upon instruction of its management, the director or officer of such hospital or clinic responsible for the formulation and implementation of such policy shall, upon conviction by final judgment, suffer imprisonment of four (4) to six (6) years, a fine of not less than [One hundred thousand pesos (100,000.00)] FIVE HUNDRED THOUSAND PESOS (P500,000.00), but not more than [five hundred thousand pesos (P500,000.00)] ONE MILLION pesos (P1,000,000.00) or both, at the discretion of the court, WITHOUT PREJUDICE TO DAMAGES THAT MAY BE AWARDED TO THE PATIENT-COMPLAINANT; PROVIDED, FURTHER, THAT UPON THREE (3) REPEATED VIOLATIONS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON THE INSTRUCTION OF ITS
MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE
SHALL BE REVOKED BY THE DEPARTMENT OF HEALTH. THE
PRESIDENT, CHAIRMAN. BOARD OF DIRECTORS, OR TRUSTEES,
AND OTHER OFFICERS OF THE HEALTH FACILITY SHALL BE
SOLIDARILY LIABLE FOR DAMAGES THAT MAY BE AWARDED BY
THE COURT TO THE PATIENT-COMPLAINANT”

SEC. 4. New sections 5, 6, 7 and 8 shall be inserted after Section 4 of Batas
Pambansa Bilang 702, as amended, to read as follows:

“SEC. 5. PRESUMPTION OF LIABILITY. - IN THE EVENT OF
DEATH, PERMANENT DISABILITY, SERIOUS IMPAIRMENT OF THE
HEALTH CONDITION OF THE PATIENT-COMPLAINANT, OR IN THE
CASE OF A PREGNANT WOMAN, PERMANENT INJURY OR LOSS OF
HER UNBORN CHILD, PROCEEDING FROM THE DENIAL OF HIS OR
HER ADMISSION TO A HEALTH FACILITY PURSUANT TO A POLICY
OR PRACTICE OF DEMANDING DEPOSITS OR ADVANCE PAYMENTS
FOR CONFINEMENT OR TREATMENT, A PRESUMPTION OF
LIABILITY SHALL ARISE AGAINST THE HOSPITAL, MEDICAL CLINIC,
AND THE OFFICIAL, MEDICAL PRACTITIONER, OR EMPLOYEE
INVOLVED.

SEC. 6. HEALTH FACILITIES OVERSIGHT BOARD. - ALL
COMPLAINTS FOR VIOLATIONS OF THE ACT SHALL BE FILED
INITIALLY WITH THE HEALTH FACILITIES OVERSIGHT BOARD
UNDER THE HEALTH FACILITIES AND SERVICES REGULATORY
BUREAU (HFSRB) OF THE DEPARTMENT OF HEALTH. THE BOARD
SHALL BE COMPOSED OF A DOH REPRESENTATIVE WITH A
MINIMUM RANK OF DIRECTOR TO SERVE AS CHAIR, A
REPRESENTATIVE FROM THE PHILIPPINE HEALTH INSURANCE
CORPORATION, A REPRESENTATIVE FROM THE PHILIPPINE
MEDICAL ASSOCIATION, A REPRESENTATIVE FROM PRIVATE
HEALTH INSTITUTIONS, AND THREE REPRESENTATIVES FROM
NON-GOVERNMENT ORGANIZATIONS ADVOCATING FOR PATIENT'S
RIGHTS AND PUBLIC HEALTH.

THE HEALTH FACILITIES OVERSIGHT BOARD SHALL
INVESTIGATE THE CLAIM OF THE PATIENT AND UPON
ADJUDICATION, IMPOSE ADMINISTRATIVE SANCTIONS IN
ACCORDANCE WITH THIS ACT. ON THE BASIS OF ITS OWN
FINDINGS, THE BOARD SHALL ALSO FACILITATE THE FILING OF
THE CRIMINAL CASE IN THE PROPER COURTS.

SEC. 7. PHILHEALTH REIMBURSEMENT OF BASIC
EMERGENCY CARE.—THE COST OF THE BASIC EMERGENCY CARE
AND TRANSPORATION SERVICES INCURRED BY THE HOSPITAL OR
MEDICAL CLINIC THAT HAS RENDERED EMERGENCY MEDICAL
SERVICES TO THE POOR AND INDIGENT PATIENT SHALL BE
REIMBURSED BY THE PHILIPPINE HEALTH INSURANCE
CORPORATION (PHIC). “

SEC. 8. TAX DEDUCTIONS.—OTHER EXPENSES INCURRED
BY THE HOSPITAL OR MEDICAL CLINIC IN PROVIDING EMERGENCY
AND MEDICAL SERVICES TO THE POOR AND INDIGENT PATIENT,
NOT REIMBURSED BY THE PHIC SHALL BE TAX DEDUCTIBLE.

SEC. 7. Section 5 of Batas Pambansa Bilang 702, as amended, shall be
renumbered as Section 9, and is hereby further amended to read as follows:

“SEC. 9. IMPLEMENTING RULES AND REGULATIONS. The
Department of Health, IN COORDINATION WITH THE PHIC AND THE
BUREAU OF INTERNAL REVENUE, shall promulgate the necessary
rules and regulations to carry out the provisions of this Act. “

SEC. 8. Separability Clause.—If any provision of this Act is declared
unconstitutional, the same shall not affect the validity and effectivity of the other
provisions hereof.
SEC. 9. Repealing Clause. - All laws, decrees, orders, issuances or portion thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,